

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

RANDIE MULLEN,	)	CIVIL DIVISION
	)	
Plaintiff,	)	
	)	Civil Action No.:
v.	)	
	)	
WAL-MART STORES, INC., a Delaware	)	
corporation; SAM'S EAST, INC. d/b/a	)	<i>Electronically Filed</i>
SAM'S CLUB and d/b/a WEST MIFFLIN	)	
SAM'S CLUB #6679, an Arkansas	)	
corporation,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

TO: The Honorable Judges of the United States District Court for the Western District of Pennsylvania

This Notice of Removal is filed by Defendant Wal-Mart Stores East, L.P. asserting as follows:

1. The above-described action was commenced by the filing of a Complaint on or about December 8, 2015 in the Court of Common Pleas of Allegheny County, Pennsylvania, against Defendants, Wal-Mart Stores, Inc. and Sam's East, Inc. d/b/a Sam's Club and d/b/a West Mifflin Sam's Club #6679. (A true and correct copy of the Complaint is attached hereto as Exhibit "A".)

2. Wal-Mart Stores, Inc. is a Delaware corporation with a principal place of business in Bentonville, Arkansas.

3. Sam's East, Inc. is an Arkansas corporation with a principal place of business in Bentonville, Arkansas.

4. Plaintiff served Defendant with a copy of the Complaint on December 11, 2015. (See Affidavit of Service attached hereto as Exhibit "B".)

5. Defendant believes that at the time this action was initially commenced, and at the current time, Plaintiff was a resident of Allegheny County, Pennsylvania.

6. The Complaint seeks an award in excess of the arbitration limits of Allegheny County (\$35,000), but no specific sum is demanded in the Complaint.

7. Among other injuries, it is understood that Plaintiff claims damages for a serious injury to her leg and back, including a fractured fibula, an open wound, significant scarring on her leg, moderately severe stenosis at L3-4 and L4-5, moderate stenosis at L2-3, and a fractured pelvis, as well as pain, suffering, inconvenience, and the loss of many ordinary pleasures of life, and the expenses of medical attention.

8. Based on these alleged injuries and damages, Plaintiff's counsel has advised the undersigned counsel that this case is valued in excess of \$75,000.00.

9. This Notice of Removal is filed within thirty (30) days after Defendants, Wal-Mart Stores, Inc. and Sam's East, Inc. d/b/a Sam's Club and d/b/a West Mifflin Sam's Club #6679, were served with a copy of Plaintiff's Complaint on December 11, 2015, which apprised this Defendant of the amount in controversy, and within one (1) year of the commencement of this matter by Plaintiff on December 8, 2015 by the filing of the Initial Complaint; thus, it is timely filed pursuant to 28 U.S.C. §1446(b) (3) and (c).

10. As all of the parties to this action are diverse and the amount in controversy exceeds \$75,000, this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 and this case may be removed to this Court by this Defendant pursuant to the provisions of 28 U.S.C. §§1441 and 1446.

WHEREFORE, Defendants, Wal-Mart Stores, Inc. and Sam's East, Inc. d/b/a Sam's Club and d/b/a West Mifflin Sam's Club #6679 request that this action now pending in the Court of Common Pleas of Allegheny County at No. GD 15-021415 be removed to this Honorable Court.

**JURY TRIAL IS DEMANDED.**

Respectfully submitted,

THOMAS, THOMAS & HAFFER LLP

Date: January 8, 2016

BY: /s/ Rebecca Sember Izsak  
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*Counsel for the Defendants*